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IRAN MISSILE PROLIFERATION SANCTIONS OF 1997

Mr. BIDEN. Madam President, I yield myself such time as I may consume, up to the time I have allotted to me.

I was asked by someone yesterday after a meeting at the White House on this issue, What did I think about this sanctions act? And I said: 'Good act, bad timing.' Good act, bad timing.

The extent to which this act that we are about to vote on, this sanctions bill, is of value is a little like nuclear weapons: Their value is in their nonuse; their value is in their threat of use.

The administration has made significant progress over the 6 months we gave them with the threat of this bill in place. It has had the best of all worlds. It has allowed those in Russia who very desperately want to cut off this program and this relationship with Iran the ability to say, 'we must do this or we will lose much more than we will gain,' without having to put themselves in a position politically in their own country in which they appear to be publicly buckling to the pressure applied by the United States.

So, although I have no disagreement with the principle of H.R. 2709, the Iran Missile Proliferation Sanctions Act of 1997, and I have no doubt that it addresses an urgent concern we cannot ignore, I have a great deal of doubt about whether we should be voting for it now and sending it to the President now.

Madam President, to state the obvious, the cold war is over. One of the great wonders of it is that the world was spared any use of nuclear weapons during that

cold war, and almost--almost--any use of chemical or biological weapons. The proliferation of weapons of mass destruction and the means to deliver them, however, could bring about the very holocaust that we have managed to avoid over the past 50 years.

So, everyone here is united in one objective: to stop, inhibit, curtail the proliferation of weapons or the means of delivering those weapons. How do we best do that? Is the best way to do that, relative to Iran's missile program, to impose these sanctions now? Will this bill, by its passage, finally turn off the last few drops of water coming out of that spigot? Or will it enhance the prospect that the cooperation with Iran--which began years ago and has continued in diminishing amounts up to now--will be increased, reversing, the momentum of the last 6 months?

It seems to me, as rational persons--and we all are, obviously, on this--we have to examine that question. For me, the instinct to punish Russia for what they did in the past is overtaken by my fear that the proliferation will increase. To the extent that I have a disagreement with my friend from Connecticut or my friend from Arizona, two of the brightest people in this body, it relates to how I come down on that question.

One or another country may think it needs these weapons to protect it from its neighbors or gain the attention of the great powers. The fact is, however, that weapons of mass destruction threaten us all, especially when the countries that seek them are ruled by murderous despots or inflamed by ethnic or ideological causes.

Today, two sets of neighboring countries--India and Pakistan, and Iran and Iraq--pose the greatest threat that weapons of mass destruction might actually be used. India and Pakistan have to be restrained from using such weapons against each other. I was reminded by someone today, we are talking about a response time of 3 minutes--3 minutes; a pretty short leash, quite a hair trigger--when we are talking about Pakistan and India. The same would apply to Iraq and Iran, who have managed over the last decades to kill hundreds of thousands of each other's citizens. So these two sets of neighbors--India and Pakistan, Iran and Iraq--it seems to me, are most likely to get the world in trouble. Iran and Iraq have to be prevented from obtaining such weapons and from using them, not only against each other but also against the whole Middle East region, if not the world.

Some foreign entities, notably Russia, have continued to assist Iran's ballistic missile program intended to give Iran long-range ability to deliver weapons of mass destruction. This assistance must stop, and it must stop now. Since early last year, U.S. officials from the Clinton administration, including the President and the Vice President, have raised the matter with their Russian counterparts, Yeltsin, Chernomyrdin, and Kiriyenko. They have all agreed it is hardly in Russia's interests to give Iran the capacity to fire long-range missiles with weapons of mass destruction. Special envoys Frank Wisner and Robert Gallucci have worked with Russian Space Agency chief Yuri Koptev to help Russia determine what it must do to stem this assistance.

Let us get a little background here, because we all kind of mentioned it. Here you have a former empire that has crumbled around the ears of Russian leaders. They are left with a number of the old apparatchiks in charge of huge, bureaucratic entities, departments, who have, off and on for the last 9 years, been free agents to some degree or another.

The idea that Yeltsin has his finger on, and knowledge about, and the ability to control every one of his disparate agencies out there is, I think we would all acknowledge, not nearly, nearly a reality. So, since early last year, American officials have been working very hard, pressuring, cajoling, and educating the Russian leadership as to why this is against the

Russian leaders' own interests and how to gain control, how to gain control of their own entities.

There is an irony here. If we said to our constituents that there is this outfit in Russia that doesn't control what is happening in a department in one of the six nuclear cities in Russia, or doesn't have control over a department in Moscow, they would say: 'Wait a minute, isn't this the same outfit that ruled with the iron fist, so that they would be able to not only have a command economy, but to command everything?' But the fact is, the Russian leaders do not have that ability any more. And they do not know how to gain it.

So I start off with the proposition that this is a very different circumstance than if we were dealing with the U.S.S.R. and this program were going on. If I were to have turned to even Gorbachev, or any of his predecessors, and said, 'you are transferring this technology to Iran,' and had them say, 'we didn't know that, or were unaware of the extent of it,' having been here 25 years and dealt with them on that issue for 15 years, I would have said unequivocally on this floor, 'that is flatout a lie; they cannot not know that.'

But it is clear that, although much was known in some quarters, a lot was not known. So you actually have the Russian leadership saying, 'How do we set up export controls? How do we gain control? You have been doing this. How do you all do it?' --we have not done it perfectly, by the way, but--'How do you do it?'

The fact is that troubling aspects of the Russian assistance to Iran program continue to this very day. I know that. All of us on this floor have gotten a briefing. We know that. And with each passing day, Iran comes closer to obtaining the ability to have long-range missiles that can rain down chemical or biological destruction on Israel, Saudi Arabia, and U.S. Armed Forces in the region, and, obviously, to understate it, that is a real problem.

So, what do you do about this? The executive branch, in my view, has made real progress, important progress, that this bill before us, I believe, will sacrifice. Let me give you a few examples.

Last year, Russia expelled an Iranian Embassy employee who was involved in seeking assistance for Iran's missile program. Russia's Federal Security Service, the FSB, says that Russia also deported a member of an Iranian military delegation.

The FSB adds, in a statement of May 15, that two officials at a Russian research center were arrested, convicted, and sentenced to prison for trying to 'enter into an agreement with a foreign firm to design homing electronic devices for missiles.'

They also foiled an effort by Iran's SANAM industry group, to get missile parts from a Russian firm, NPO Trud. The FSB statement also adds that, 'All the activities of the SANAM group on the territory of Russia have been terminated and prohibited.'

On January 22, Russia issued Order No. 57 establishing what are called 'catch-all controls' over the export of any material or technology that might contribute to Iran's programs to develop weapons of mass destruction or long-range missiles.

Last week, Russia promulgated implementing directives for that order requiring that each entity involved in high-tech material or technology exports set up a review committee to screen proposals and specifying 'red flags' that would require referral of proposals to high-level officials for approval. Those 'red flags' are precisely the sort of criteria that we would want Russia to use. For example, they name certain Iranian entities that are automatically suspect no matter what they want to buy. That is a take-no-chances approach that suggests the seriousness on the part of Russia.

The pace of diplomacy is slow, Madam President, and so is the pace of Russian bureaucracy, and so is the pace of putting together a Russian Government that can control Russia. I understand and share the frustration that my colleagues feel in this regard. But, as the kids say, let's get real. When was the last time we turned Russian policy completely around, and how long did it take?

When we didn't like the Soviet Union deploying SS-20 intermediate-range missiles in the European theater, we had to build and deploy Pershing missiles

in response before they would sign the Intermediate Nuclear Forces Treaty. The process took 10 years. It took a similar period of time for the Soviet Union, later Russia, to admit it was violating the ABM Treaty in building a large phased-array radar near Krasnoyarsk. And there are a lot of other examples of how long this takes.

My colleagues will say the assistance continues, that these institutions and firms are just looking for ways to get around Order No. 57, and that there are still bureaucracies that oppose Yeltsin and Kiriyenko on this issue; and I will reply, 'Yup, you're right, that's exactly what has happened.'

What on Earth does anybody expect? Do my colleagues expect Russian officials to be grateful when we catch them doing something stupid and call them on it? Do they expect the institutes, that cannot pay for their personnel, or their factories that pay their workers in goods to barter on the market, to be happy when we tell them that they have to turn down hard currency from Iran ?

Look, we have a satellite industry that is apoplectic today--an American satellite industry that is apoplectic today--because the House took action and the Senate may take action curtailing their ability to launch these satellites into space from other launch systems around the world. Why? They are going to lose billions of dollars. Mark my word, you are going to start hearing from their employees saying, 'What have you done to my job?' Right? We all know that. We shouldn't yield to the company or the employee if it is against the national interest, but we are going to hear it.

What would happen, do you think, if all of a sudden we were to say, 'By the way, stop doing' such and such, which is the only thing that allows you to make any money at all, to even be given goods you can barter on the street to keep your apartment? I don't say this by way of justifying anything Russia is doing, but there is a report from an organization I have great respect for, the American Jewish Committee. The American Jewish Committee had a report written called 'The Russian Connection: Russia, Iran, the Proliferation of Weapons of Mass Destruction.' It is a very good report. I recommend it to everyone.

They point to an article that was written in Russia about missile specialists who worked in Iran during the past few years. It says that specialists were recruited by Iranians in collaboration with the Federal Security Service--which is now going to be part of stopping this.

Then the article goes on to say that the policy of assisting the missile program began in 1994, when the then-chief of Yeltsin's bodyguard service was involved in export policymaking, and that it was done--for what? For hard currency, for money. Now we have convinced Yeltsin and a new government in Russia--which is probably the most pro-American government that has existed in the last 90 years in Russia, maybe in Russian history--we have them taking all these steps to cut this off. OK? So far, so good.

The American Jewish Committee report points out that the reason they did this was for money. Now we go ahead and we cut off any money that we are going to send these Russian entities in existing bilateral arrangements we have. What do we think Russian leaders are going to do? Are they going to say, 'You know, we now lost the American support that we, the new Government in Russia, want, and we don't want to be selling this missile technology anyway because it is against our interest, so at least we could have told the folks in those departments that there was something coming, but the Americans are going to cut off that money, we're not going to get that, but, by the way, still don't follow through on this Iranian program?'

It is lose-lose. They not only lose the money that encouraged them to enter into these arrangements in 1994, because of our efforts to stop it and because they were not quick enough and thorough enough in stopping it, they have now lost any other aid they have.

Again, I am not approaching this from an ideological point of view. I am not approaching this from a point of view of who is right or who is wrong, whether they did the right thing or the wrong thing. I am trying to approach this from a practical point of view: How do we assure that what was going on doesn't continue? How do we stop proliferation?

This same report published by the American Jewish Committee makes a very, very important point in a section entitled 'American Policy Options.'

It says:

The United States faces tough choices in addressing the issue of Russian-Iranian missile cooperation. Both the Clinton administration and its critics confront the fact that American leverage is probably limited.

Then it goes on to say:

However, the threat of sanctions will not in itself be sufficient. The threat of missile proliferation is serious enough to warrant offering improved carrots.

Let's get this straight. Everybody has kind of figured this out--let's review the bidding.

The Russians were bad guys. They sold technologies to people who were even worse guys. The combination of that is against the interests of the United States, and particularly against the interests of Israel. We have to turn it around and stop it.

We went ahead, and after the last couple years--with great pressure during this year, thanks to congressional leadership having the sanctions sitting out on the table--convinced Yeltsin, and now the friendliest government that ever existed in Russian history toward the United States, the two new young guys in positions of power, not only that it is against their interests, but also that they better stop. And there is some evidence they are stopping it.

They are finding where at least some of the technology leaks are and they are turning them off. And now here we are after they had begun the process saying, 'Aha, but you did do it.' Of course they did it. And what we're going to do is to say, 'we're going to cut your water off from this end of the spigot. We're going to cut it off.'

And if the objective is America's interest and indirectly Israel's interest, which is an American interest, how does that make sense? Let me add one other dimension here.

I said: 'This is a good act, bad timing.' Let us review the bidding and what is going on in the Asian subcontinent right now. Regarding India and Pakistan, we are breaking our neck, some of us on this floor personally, the President, Democrats, Republicans, pleading, cajoling, doing everything we can with Pakistan not to up the ante. We are doing everything we can to take an Indian Government that has overstepped its bounds against its good judgment, in my view, and say, 'Tone down what you're doing.' We are trying to put a lid on this. So what are we doing? Some of us, as well as the administration, are doing everything from picking up the phone and calling Sharif in Pakistan, to saying, through the administration, to Yeltsin, 'You, Yeltsin, have a relationship with India. Call them. Tell them. Cooperate with us.'

Every Republican and Democrat who has any contact in China is trying to get China to put pressure on Pakistan. And in the middle of this gigantic effort, that is literally worldwide, at a moment when every nation in the world, particularly the nuclear powers, fully understands the potential consequence of Pakistan's nuclear testing now and India's heated rhetoric--now, when all this is going on--what are we doing?

In fairness to the leader, this was under a unanimous consent agreement, and put off from back in November, but what are we doing? We are coming along invoking a sanction potentially that is going to make it more difficult by anybody's standard to get worldwide cooperation.

Who are the nations that can most influence Pakistan or most influence India right now, beyond the United States? I will bet that if we ask all the staff in the back who are experts on this--whether they are for these sanctions or against them--I bet that if we asked everybody in this Chamber, and I put a list on the board saying, 'Which are the most likely countries to be able to influence Pakistan,' and put Russia, France, Germany, England and China--I bet you would all pass the test and say, 'China.' And why would you say that? Because China has been selling them missile technology.

Now, I wonder who would have the most influence on

India. The answer is Russia, for similar reasons. So thus it seems to me, Madam President, that this is a good idea at a very bad moment.

We also have a new government in Russia. We have two young people--and every analyst to whom I have spoken, conservative or liberal, Democrat or Republican, or who has testified before the committee or spoken to my staff has said, 'These two new guys are keepers. They're the best shot we have.' They are the best shot we have. Now they have gone out and put their new, fragile reputations on the line in that new government, and said, with regard to assistance to Iran's missile program, 'Shut it down.'

And the first bit of reward we are going to give them is sanctions against entities in their country.

Now, look, some former President, whom I will not name, once said, 'Life is not fair.' I am not suggesting to anybody that it would not be fair to impose these sanctions. By any measure, it is fair, because they did not play by the rules. They broke the agreements. So it is fair; but is it smart? Is it in our interests? Is it a good idea? In my humble opinion, the answer is no, it is not smart, it is not a good idea, it is not in our interest. The sanctions we mandate will be resented and they will be resisted and, in my sincere view, they will fail where diplomacy is succeeding.

Some aspects of this bill seem calculated to anger Russia rather than to secure compliance. One is the 'credible evidence' standard for sanctions. According to the report on this bill, the standard is meant to require sanctions when information is merely 'sufficiently believable as to raise a serious question * * * as to whether a foreign person may have transferred or attempted to transfer' sanctionable items of technology. This is kind of the 'shoot first, ask questions later' approach to international relations. This is cold-war posturing in a warmer environment, with the friendliest government we have ever had an opportunity to work with, and it will likely fail.

Fortunately, our action today is not the end of the process. The President is very likely--very likely--to veto this bill. And if we have the amendment of the Senator from Michigan accepted, which I expect it to be, we will have to go back to conference.

And I say to you, Madam President, and to my colleagues, that I hope Russian officials and firms that follow this debate will hear the message my colleagues are sending. If Russian assistance to the Iranian missile program does not cease within a matter of weeks, I truly believe that this body will override the President's veto and set in stone this counterproductive sanctions bill.

I also say to my friends who believe that this sanctions bill is warranted on the merits, if you just do it based on weighing the scales, that you are giving up nothing by delaying here. Can anyone show me that there has not been real progress over the last 6 months?

So if in 2 weeks or 6 weeks or 8 weeks this progress has not continued, this sanctions bill can be brought back up. But to pass it now, I honestly believe, will be counterproductive.

Russia's legal and administrative actions so far, while insufficient, show their good intent. There is also a strong foundation on which to build. But the edifice of enforcement must be built quickly. Only speedy Russian action is likely to avert the sanctions regime

mandated in this bill.

In closing, let me note my deep objection to the other body's insistence upon attaching the Chemical Weapons Convention Implementation Act to this measure. This is a practice that has to stop. It is irresponsible, absolutely irresponsible, in my view. Combining the two bills, the Chemical Weapons Convention Implementation Act and the Iran Missile Proliferation Sanctions Act, both of which should be sent over here--I am not suggesting that they shouldn't do that--to tie them together in the hope that it will force the President to sign the bill is holding hostages that relate to our national interest as Americans.

They did the same thing with the IMF. They did the same thing with the United Nations arrearages by attaching abortion language. Each of these issues warrants debate, but not tied to one another. Attaching the Chemical Weapons Convention Implementation Act to this bill serves merely to delay for many months and to put at risk a bill that is important to our national interests. That was an irresponsible action, in my view, that ill-befits a coequal branch of government, the House of Representatives.